



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,691	04/23/2007	David Haydn Mordaunt	35678-609N01US	1396
30623	7590	11/09/2009		
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C ONE FINANCIAL CENTER BOSTON, MA 02111			EXAMINER NGUYEN, DUNG T	
			ART UNIT 2828	PAPER NUMBER
			MAIL DATE 11/09/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,691	Applicant(s) MORDAUNT ET AL.	
	Examiner DUNG T. NGUYEN	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-45 and 47-53 is/are rejected.
- 7) ☒ Claim(s) 46,54 and 55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/21/09</u> . | 6) <input type="checkbox"/> Other: _____ |

OFFICE ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 27-32, 34-35, 37-45, 48-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Furness, III et al. (6008781).

Claims 27-32, 34-35, 37-43, 48-53, Fig.3 shows a medical laser system for applying laser energy to a target ophthalmic tissue of a human for medical purposes, the improvement comprising:

a first source of green laser light 82;

a first light path associated with the first source;

a second source of yellow laser light 84 (col.7, l.53);

a second light path associated with the second source;

a third source of red laser light 80;

a third light path associated with the third source;

a controller 42 to control the activation of any of the first, the second and the third laser light sources;

an optical configuration 86 to selectively align any of the first, the second and the third light paths along a common axis;

Art Unit: 2828

an output port 72 to receive the aligned light beam from the common axis; and wherein the light from the output port is directed to a target ophthalmic tissue.

Claim 44, Fig.7 shows the moving attenuator 230.

Claim 45, Fig.3 shows a detector 104.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Furness, III et al. (6008781) in view of Van de Velde (2003/0179344).

Furness disclose all limitations of the claims except for the slit-lamp.

Van de Velde teaches the slit-lamp in para.0128.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Furness what is taught by Van de Velde to imitate the look and feel of an aiming beam on the retina (para.0128).

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Furness, III et al. (6008781) in view of Lin (5144630).

Art Unit: 2828

Furness disclose all limitations of the claims except for the frequency doubler.

Lin teaches the frequency doubler in Abstract.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Furness what is taught by Lin to convert the laser wavelength.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Furness, III et al. (6008781) in view of Seibel (2001/0055462).

Furness disclose all limitations of the claims except for the safety shutter.

Seibel teaches in Fig. 7C the safety shutter 390.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Furness what is taught by Seibel to control the laser beam.

Allowable Subject Matter

Claims 46, 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 55 is also objected due to the dependency on claim 54.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2828

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communication Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung (Michael) T Nguyen whose telephone number is (571) 272-1949. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Min Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-1835.

Michael Dung Nguyen

Primary Examiner

/Dung (Michael) T Nguyen/
Primary Examiner, Art Unit 2828